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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/530,272	04/05/2005	Tetsuji Fuchikami	2005-0372A	3060
513 7590 02/06/2008 WENDEROTH, LIND & PONACK, L.L.P. 2033 K STREET N. W. SUITE 800 WASHINGTON, DC 20006-1021			EXAMINER ANDRAMUNO, FRANKLIN S	
			ART UNIT 2623	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/530,272	Applicant(s) FUCHIKAMI ET AL.	
	Examiner Franklin S. Andramuno	Art Unit 2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 4/5/05.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 4/5/05 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>3/19/07, 4/5/05</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Knee et al (US 6,769,128 B1) in view of Hendricks et al (US 7,134,131 B1). Hereinafter referred as Knee and Hendricks.

Regarding claim 1, Knee discloses a remote control apparatus that wirelessly communicates with a program selecting apparatus (**Figures 3 and 4**) which stores therein pieces of reception information each of which is required for reception of a corresponding one of a plurality of programs (**column 1 lines 27-30**), displays a program table (**figure 8**), and in response to a signal transmitted from the remote control apparatus (**Figure 4**), either selects one of the plurality of programs or transmits one of the pieces of reception information that corresponds to a selected one of the programs (**Figure 9**), the remote control apparatus comprising: a recording medium; an operation receiving unit operable to receive a user operation from a user; a selecting unit operable to transmit a selective signal for selecting one of the programs according to the user operation to the program selecting apparatus (**Figure 6**); a requesting unit operable to (**Preference Menu in figure 7**), when a first user operation has been

received, transmit, to the program selecting apparatus (**figure 10**), a signal for requesting a piece of reception information that corresponds to the selected program (**Column 6 lines 29-38**); a reception information receiving unit operable to receive and record, onto the recording medium (**column 23 lines 8-10**), the piece of reception information transmitted from the program selecting apparatus; and a forwarding unit operable to transmit, after a second user operation has been received, the piece of reception information recorded on the recording medium (**column 23 lines 15-20**).

However, Knee fails to disclose the use of a reception information, capable of receive, select, and forward each and every choice of broadcasting data. Hendricks teaches in **figure 11** of a scheduling website and a network controller. This also shows the use of an authorization system capable of receiving and forwarding the requested broadcasting programming desired.

Therefore, it would have been obvious at the time of the invention to include the use of a device to receive, select and forward the desired data. This is a useful combination in a network because information is easily transferred.

Regarding claim 2, Knee discloses the remote control apparatus of claim 1, comprising a transmitting unit operable to perform a transmission with directivity, wherein each of the transmissions (**column 6 lines 9-13**) performed by the selecting unit, the requesting unit, and the forwarding unit is performed via the transmitting unit (**figure 58**).

Regarding claim 3, Knee discloses the remote control apparatus of claim 2, wherein the transmitting unit performs each of the transmissions by transmitting an infrared ray (**Column 12 lines 14-16**).

Regarding claim 4, Knee discloses the remote control apparatus of claim 2, wherein the forwarding unit transmits the piece of reception information recorded on the recording medium to a program recording apparatus that is operable to, when having received a piece of reception information (**column 23 lines 8-10**), receive and record a program that corresponds to the piece of reception information, the remote control apparatus further comprises a signal format storing unit that pre-stores therein signal format information which indicates (**column 12 lines 23-27**), in correspondence with pieces of identification information for identifying a plurality of types of program recording apparatuses (**column 26 lines 10-12**), a plurality of remote control signal formats which are to be used for a purpose of presetting recording of each program and which the plurality of types of program recording apparatuses are capable of receiving respectively (**column 12 lines 27-30**), and the forwarding unit includes: an identification information obtaining unit operable to, when the second user operation has been received, transmit, via the transmitting unit, to the program recording apparatus to which the piece of reception information is to be transmitted, a signal for requesting a piece of identification information that identifies a type of the program recording apparatus (**column 30 lines 26-29**), and to subsequently receive the piece of identification information from the program recording apparatus; a signal format specifying unit operable to specify a remote control signal format that corresponds to the type of

program recording apparatus identified with the received piece of identification information (**Column 29 lines 61-64**), based on the signal format information; and an organizing unit operable to organize the piece of reception information so as to be in the specified remote control signal format and transmit the organized piece of reception information to the program recording apparatus (**column 33 lines 35-40**).

Regarding claim 5, Hendricks discloses the remote control apparatus of claim 4, wherein the program selecting apparatus receives and stores therein, for each of programs scheduled to be broadcasted (**Scheduling website in figure 11**), a piece of reception information broadcasted and a piece of program related information broadcasted and made up of items related to the program (**Authorization system (179) in figure 11**), and transmits a piece of program related information that corresponds to the selected program in addition to the piece of reception information (**Set top Terminal (220 in figure 11)**), the remote control apparatus further includes a utilized item information storing unit that stores therein utilized item information which indicates (**Figure 7**), in correspondence with the pieces of identification information, one or more of the items which are within the pieces of program related information and can be utilized by each of the types of program recording apparatuses (**Authorization (236) in figure 6c**), the forwarding unit includes a utilized item specifying unit operable to specify one or more of the items within the pieces of program related information which can be utilized by the type of program recording apparatus identified with the received piece of identification information (**Signal reception (234) in figure 6b**), based on the utilized item information, and the organizing unit extracts the one or more specified items out of

pieces program related information recorded on the recording medium, organizes the extracted items and the piece of reception information so as to be in the specified remote control signal format, and transmits the organized items and piece of reception information to the program recording apparatus (**Cable Distribution Network (210) in figure 6b**)

Regarding claim 6, Hendricks discloses the remote control apparatus of claim 2, wherein the operation receiving unit has an operational button, and the operation receiving unit regards a detection of the user pushing the operational button (**Account review in figure 7**) as that the first user operation has been received and regards a detection of the operational button becoming unpushed after the detection of a push as that the second user operation has been received (**figure 7**).

Regarding claim 7, Hendricks discloses the remote control apparatus of claim 6, wherein the remote control apparatus further includes an informing unit operable to, when the piece of reception information is recorded onto the recording medium by the reception information receiving unit, inform the user that the piece of reception information has been recorded (**Data Storage (189) in figure 14**).

Regarding claim 8, Hendricks discloses the remote control apparatus of claim 2, wherein every time the first user operation has been received, the requesting unit transmits, to the program selecting apparatus (**Scheduling Website in figure 12**), the signal for requesting a piece of reception information that corresponds to a selected program, the reception information receiving unit receives and records, onto the

recording medium (**Modem (173) in figure 12**), pieces of reception information that correspond to selected programs respectively and have been transmitted from the program selecting apparatus (**Network Management in figure 6C**), and every time the second user operation has been received, the forwarding unit transmits one of the pieces of reception information recorded on the recording medium (**Record in figure 7**).

Regarding claim 9, Hendricks discloses the remote control apparatus of claim 8, wherein the remote control apparatus further includes a recorded information displaying unit operable to display part or all of each of the pieces of reception information recorded on the recording medium (**Record in figure 7**) in such a manner to be grouped in units of programs and arranged in a predetermined order, and every time the second user operation has been received (**Command Interface (168) in figure 3**), the forwarding unit selects and transmits one of the pieces of reception information, according to the predetermined order (**transmitter (169) in figure 3**).

Regarding claim 10, Hendricks discloses the remote control apparatus of claim 8, wherein the remote control apparatus further includes: an option displaying unit operable to display part or all of each of the pieces of reception information recorded on the recording medium as options for selecting one or more of the programs (**Record in figure 7**); and a selection receiving unit operable to receive a selection of one of the options by the user (**Processor (161) in figure 3**), and the forwarding unit transmits one of the pieces of reception information that corresponds to the selection that has been

received by the selection receiving unit most recently when the second user operation has been received **(Receiver Module (165) in figure 3)**.

Regarding claims 11, 14-15, Hendricks discloses a program receiving system that includes a program selecting apparatus, a remote control apparatus, and a plurality of receiving apparatuses, wherein the program selecting apparatus includes **(Background Graphics File in figure 18a)**: a reception storing unit operable to receive and store therein pieces of reception information each of which is broadcasted and is required for reception of a corresponding one of a plurality of programs **(Memory Files in figure 18a)**; a program table displaying unit operable to display a program table based on the received pieces of reception information **(figure 8)**; a program selecting unit operable to, when having received from the remote control apparatus, a selective signal for selecting one of the programs, select the one of the programs from the program table according to the selective signal **(Figure 15c0)**; and a reception information transmitting unit operable to, when having received a request signal for requesting a piece of reception information from the remote control apparatus **(Transmitter (169) in figure 3)**, transmit a piece of reception information that corresponds to the selected program to the remote control apparatus, the remote control apparatus includes: a recoding medium; an operation receiving unit operable to receive a user operation from a user **(remote (900) in figure 4b)**; a selecting unit operable to wirelessly transmit, to the program selecting apparatus, the selective signal for selecting the program according to the user operation; a requesting unit operable to, when a first user operation has been received, wirelessly transmit, to the program

selecting apparatus (**wireless remote in figure 4b**), the request signal for requesting the piece of reception information that corresponds to the selected program; a reception information receiving unit operable to receive and record, onto the recording medium (**record in figure 7**), the piece of reception information transmitted from the program selecting apparatus; and a forwarding unit operable to, after a second user operation has been received, wirelessly transmit to one of the receiving apparatuses, the piece of reception information recorded on the recording medium, and each of the receiving apparatuses includes a program receiving unit operable to, when having received the piece of reception information from the remote control apparatus, receive a program that based on the piece of reception information (**Control Software (264) in figure 6c**).

Regarding claim 12, Hendricks discloses the program receiving system of claim 11, wherein the remote control apparatus includes a transmitting unit operable to perform a transmission with directivity by transmitting an infrared ray (**Column 12 lines 14-16**), and each of the transmissions performed by the selecting unit, the requesting unit, and the forwarding unit is performed via the transmitting unit (**Transmitter (169) in figure 3**).

Regarding claim 13, Hendricks discloses the program receiving system of claim 12, wherein the reception storing unit receives and stores therein, for each of programs scheduled to be broadcasted (**Scheduling website (106)**), a piece of reception information and a piece of program related information being made up of items related to the program (**Authorization System (179) in figure 11**), and the reception

information transmitting unit transmits a piece of program related information that corresponds to the selected program in addition to the piece of reception information **(transmitter (169) in figure 3)**, each of the receiving apparatuses further includes: a program recording unit operable to record the program received by the program receiving unit **(Data Storage (189) in figure 14)**; an identification information storing unit that pre-stores therein a piece of identification information that shows a type of the receiving apparatus; and an identification information transmitting unit operable to **(Communication Interface (183) in figure 14)**, when having received from the remote control apparatus a signal for requesting a piece of identification information, transmit the piece of identification information pre-stored in the identification information storing unit to the remote control apparatus **(Memory Files in figure 18a)**, the remote control apparatus further includes a type information storing unit that stores therein, (i) signal format information which indicates, in correspondence with pieces of identification information **(Subscription Confirmation (1056) in figure 17)** for identifying a plurality of types of receiving apparatuses, a plurality of remote control signal formats which are to be used for a purpose of presetting recording of each program and which the plurality of types of receiving apparatuses are capable of receiving respectively **(Program Overlay menus (1390 in figure 17))** and (ii) utilized item information which indicates, in correspondence with the pieces of identification information **(Information on program (1390) in figure 17)**, one or more of the items which are within the pieces of program related information and can be utilized by each of the types of receiving apparatus, and the forwarding unit includes **(Transmitter (169) in figure 3)**; an identification

information obtaining unit operable to, when the second user operation has been received, transmit, via the transmitting unit, to the receiving apparatus to which the piece of reception information is to be transmitted, a signal for requesting the piece of identification information that identifies a type of the receiving apparatus (**GSP 500 Combiner (706) in figure 21**), and to subsequently receive the piece of identification information from the receiving apparatus; a signal format specifying unit operable to specify a remote control signal format that corresponds to the type of receiving apparatus identified with the received piece of identification information, based on the signal format information (**Network Controller (214) in figure 11**); a utilized item specifying unit operable to specify one or more of the items within the pieces of program related information which can be utilized by the type of receiving apparatus identified with the received piece of identification information (**Authorization System (179) in figure 11**), based on the utilized item information; and an organizing unit operable to extract the one or more specified items out of the pieces of program related information recorded on the recording medium, organize the extracted items and the piece of reception information so as to be in the specified remote control signal format, and transmit the organized items and piece of reception information to the receiving apparatus (**Channel Modulators (238) in figure 6c**).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Franklin S. Andramuno whose telephone number is 571-


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270-3004. The examiner can normally be reached on Mon-Thurs (7:30am - 5:00pm)
alternate Fri off (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Kelley can be reached on (571)272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


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